

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1470**

Citations Affected: IC 4-33-16; IC 12-23-2-7; IC 34-30-2-158.

Synopsis: Gaming matters. Conference committee report for EHB 1470. Authorizes the commission to adopt rules to implement a voluntary exclusion program for problem gamblers. Increases the maximum civil penalty that may be imposed upon gaming suppliers from \$5,000 to \$25,000. Requires the division of mental health and addiction to reimburse the commission for the costs incurred administering the voluntary exclusion program. Requires the division to pay the reimbursement from funds received from the riverboat admissions tax. Provides immunity to the state, the gaming commission, the riverboats, and the employees of the riverboats for harms alleged to have arisen from a failure to prevent a person participating in the voluntary exclusion program from gambling or from a disclosure or publication. **(This conference committee report deletes provisions concerning airport authority meetings and inserts the gaming provisions described above.)**

Effective: July 1, 2003.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1470 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 gaming.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 4-33-4-3, AS AMENDED BY HEA 1902-2003,
- 6 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2003]: Sec. 3. (a) The commission shall do the following:
- 8 (1) Adopt rules that the commission determines necessary to
- 9 protect or enhance the following:
- 10 (A) The credibility and integrity of gambling operations
- 11 authorized by this article.
- 12 (B) The regulatory process provided in this article.
- 13 (2) Conduct all hearings concerning civil violations of this article.
- 14 (3) Provide for the establishment and collection of license fees and
- 15 taxes imposed under this article.
- 16 (4) Deposit the license fees and taxes in the state gaming fund
- 17 established by IC 4-33-13.
- 18 (5) Levy and collect penalties for noncriminal violations of this
- 19 article.

(6) Deposit the penalties in the state gaming fund established by IC 4-33-13.

(7) Be present through the commission's inspectors and agents during the time gambling operations are conducted on a riverboat to do the following:

(A) Certify the revenue received by a riverboat.

(B) Receive complaints from the public.

(C) Conduct other investigations into the conduct of the gambling games and the maintenance of the equipment that the commission considers necessary and proper.

(8) Adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:

(A) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and

(B) an emergency rule is likely to address the need.

(9) Adopt rules to establish and implement a voluntary exclusion program that meets the requirements of subsection (c).

(b) The commission shall begin rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted under subsection (a)(8) not later than thirty (30) days after the adoption of the emergency rule under subsection (a)(8).

(c) Rules adopted under subsection (a)(9) must provide the following:

(1) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program agrees to refrain from entering a riverboat or other facility under the jurisdiction of the commission.

(2) That the name of a person participating in the program will be included on a list of persons excluded from all facilities under the jurisdiction of the commission.

(3) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program may not petition the commission for readmittance to a facility under the jurisdiction of the commission.

(4) That the list of patrons entering the voluntary exclusion program is confidential and may only be disseminated by the commission to the owner of a facility under the jurisdiction of the commission for purposes of enforcement.

(5) That the personal information of a person who participates in the voluntary exclusion program is confidential.

(6) That an owner of a facility under the jurisdiction of the commission shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.

(7) That an owner of a facility under the jurisdiction of the commission may not cash the check of a person participating in the program or extend credit to the person in any manner. However, the voluntary exclusion program does not preclude an owner from seeking the payment of a debt accrued by a

1 **person before entering the program.**

2 SECTION 2. IC 4-33-4-7 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) The commission may eject or
4 exclude or authorize the ejection or exclusion of a person from
5 riverboat gambling facilities if:

6 (1) **the person's name is on the list of persons voluntarily**
7 **excluding themselves from all riverboats in a program**
8 **established under the rules of the commission;**

9 (2) the person violates this article; or

10 ~~(2)~~ (3) the commission determines that the person's conduct or
11 reputation is such that the person's presence within the riverboat
12 gambling facilities may:

13 (A) call into question the honesty and integrity of the gambling
14 operations; or

15 (B) interfere with the orderly conduct of the gambling
16 operations.

17 (b) A person, **other than a person participating in a voluntary**
18 **exclusion program**, may petition the commission for a hearing on the
19 person's ejection or exclusion under this section.

20 SECTION 3. IC 4-33-4-8, AS AMENDED BY HEA 1902-2003,
21 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2003]: Sec. 8. If a licensee, an operating agent, or an
23 employee of a licensee or an operating agent violates this article or
24 engages in a fraudulent act, the commission may do any combination
25 of the following:

26 (1) Suspend, revoke, or restrict the license of the licensee, or
27 suspend, revoke, or restrict the gambling operations of an operating
28 agent.

29 (2) Require the removal of a licensee or an employee of a licensee.

30 (3) Impose a civil penalty of not more than five thousand dollars
31 (\$5,000) against an individual who has been issued an
32 occupational license ~~or a person who has been issued a supplier's~~
33 ~~license~~ for each violation of this article.

34 (4) Impose a civil penalty of not more than the greater of:

35 (A) ten thousand dollars (\$10,000); or

36 (B) an amount equal to the licensee's or operating agent's daily
37 gross receipts for the day of the violation;
38 against an owner or operating agent for each violation of this
39 article.

40 (5) **Impose a civil penalty of not more than twenty-five**
41 **thousand dollars (\$25,000) against a person who has been**
42 **issued a supplier's license for each violation of this article.**

43 SECTION 4. IC 4-33-16 IS ADDED TO THE INDIANA CODE AS
44 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
45 1, 2003]:

46 **Chapter 16. Immunity**

47 **Sec. 1. As used in this chapter, "self-excluded person" refers to**
48 **an individual whose name is on the list of persons voluntarily**
49 **excluding themselves from all riverboats in a program established**
50 **under the rules of the commission.**

51 **Sec. 2. Neither the state of Indiana, the commission, a licensed**

1 riverboat, nor an employee or agent of a licensed riverboat is liable
 2 to a self-excluded person or any other party in a judicial or
 3 administrative proceeding for any harm, monetary or otherwise,
 4 alleged to have arisen as a result of:

5 (1) a failure to withhold gaming privileges from, or restore
 6 gaming privileges to, a self-excluded person; or

7 (2) otherwise permitting a self-excluded person to engage in
 8 gaming activity in a licensed riverboat.

9 **Sec. 3. A licensed riverboat or an employee of a licensed**
 10 **riverboat is not liable to a self-excluded person or to any other**
 11 **party in a judicial or administrative proceeding for any harm,**
 12 **monetary or otherwise, alleged to have arisen as a result of a**
 13 **disclosure or publication in any manner.**

14 SECTION 5. IC 12-23-2-7 IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) For each state fiscal year, the
 16 division may not spend more than an amount equal to five percent (5%)
 17 of the total amount received by the division from the fund established
 18 under section 2 of this chapter for the administrative costs associated
 19 with the use of money received from the fund.

20 (b) The division shall allocate at least twenty-five percent (25%) of
 21 the funds derived from the riverboat admissions tax under IC 4-33-12-6
 22 to the prevention and treatment of compulsive gambling.

23 (c) **The division shall reimburse the Indiana gaming commission**
 24 **for the costs incurred in administering a voluntary exclusion**
 25 **program established under the rules of the Indiana gaming**
 26 **commission. The division shall pay the reimbursement from funds**
 27 **derived from the riverboat admissions tax under IC 4-33-12-6.**

28 SECTION 6. IC 34-30-2-158 IS ADDED TO THE INDIANA CODE
 29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 30 1, 2003]: **Sec. 158. IC4-33-16 (Concerning actions involving a**
 31 **person participating in a voluntary exclusion program established**
 32 **under the rules of the Indiana gaming commission).**

(Reference is to EHB 1470 as reprinted April 2, 2003.)

Conference Committee Report
on
Engrossed House Bill 1470

Signed by:

Representative Welch
Chairperson

Senator Riegsecker

Representative Whetstone

Senator Lutz L

House Conferees

Senate Conferees